

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
NO. 3:20-CV-108-DSC

THOMAS NEVILLE MORRISON,

Plaintiff,

vs.

ANDREW SAUL,
Commissioner of Social Security
Defendant.

ORDER

Pending before the Court is Plaintiff-Appellant's Motion for Attorney's Fees under the Equal Access to Justice Act (EAJA). Plaintiff's Counsel and Defendant's Counsel have conferred, and Defendant consents to Plaintiff's Motion for Attorney's Fees. Plaintiff-Appellant has assigned his rights to any attorney's fees payable under EAJA to his counsel.

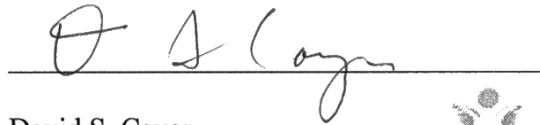
Accordingly, the Court GRANTS Plaintiff-Appellant's Motion for Attorney's Fees. Defendant is ordered to pay \$4,000.00 in full satisfaction of any and all claims arising under EAJA, 28 U.S.C. § 2412(d). Additionally, Plaintiff shall be paid \$400.00 in costs from the Judgment Funds by the U.S. Departments of the Treasury pursuant to 28 U.S.C. § 2412(a)(1).

Pursuant to the United States Supreme Court's ruling in Astrue v. Ratliff, 130 S. Ct. 2521 (2010), these attorney's fees are payable to Plaintiff as the prevailing party and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the Government. If subsequent to the entry of the Court's EAJA Order, the Commissioner determines that Plaintiff owes no debt to the Government that would subject this award of attorney's fees to offset, the Commissioner may honor Plaintiff's signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to

Plaintiff. If, however, the Commissioner discovers that Plaintiff owes the Government any debt subject to offset, the Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff rather than to Counsel.

SO ORDERED.

Signed: December 2, 2020

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

